

IN FREEDOM'S CAUSE

The Menace of UAW-CIO Coercion

An Address by

HERBERT V. KOHLER, President

Kohler Co., Kohler, Wisconsin

THE FREEDOM CLUB

First Congregational Church of Los Angeles, California

Tuesday Evening, April 17, 1956

DR. JAMES W. FIFIeld, JR.

Under the guidance of Dr. Fifield, the First Congregational Church of Los Angeles has become the largest Congregational Church in the world. He is known throughout the nation as a dedicated champion of American freedom.

"I have been a great admirer of Herbert Kohler for a long while. He has honored us by his presence. He speaks with judicious, calm and equitable fairness, but with intrepid fearlessness. If some other prominent industrialists in America had the lime in their backbone that he has in his, a lot of things would be different. As we face what may be a labor government in this country, with more of the same on a multiplied degree, we ought to be in a very sober and serious mood after having had the privilege of listening to Mr. Kohler. He has opened his heart and spoken out of great depth of conviction. There are many people that talk about things but expect somebody else to pay the check; here's the man who's paid the check. And he has pledged his honor to the finishing of the job. A little more of that in strategic places in our country could save the things that matter most."

IN FREEDOM'S CAUSE

The Menace of UAW-CIO Coercion

This club, the inspiration of Dr. Fifield — dedicated to the recovery and preservation of freedom — is a heartening influence, which — it is to be hoped — will be increasingly heeded.

I am deeply appreciative of this opportunity to reaffirm my right of free speech, given to me by the Constitution, and reestablished by the Taft-Hartley Act. (*Applause*)

Three weeks ago I was on the witness stand an entire day, being grilled by National Labor Relations Board lawyers, on the basis of certain speeches I had made.

They produced a purported mem-

orandum of a talk I gave at Birmingham, Alabama, which they said had come from a "friendly industrialist." I denied having made certain statements referred to in that memorandum.

A day or two later they called the "friendly industrialist" to the witness stand. He turned out to be a UAW-CIO (United Automobile Workers) press agent from Detroit, who had crashed the Alabama meeting under false pretenses.

It was an attempted denial of free speech. If the UAW-CIO lawyers, and the lawyers furnished them by the government, had their way, I

Dr. James W. Fifield, Jr. (left), pastor of First Congregational Church of Los Angeles, and Herbert V. Kohler, president, Kohler Co., Kohler, Wisconsin.



would not be talking at this meeting. That is a part of the coercive pattern.

The issue at Kohler Co. is not collective bargaining on wages, hours, and working conditions.

We acknowledge the employee's right to join a labor union and to be represented by a union if he so chooses.

Wages and Continuity of Employment

Our wages exceed those for our industry, for the State of Wisconsin, and for Milwaukee County, and greatly exceed those for the neighboring city of Sheboygan.

We have had group life insurance and group health and accident insurance since 1917, group hospitalization and surgical insurance since 1950, and a fully funded pension plan since 1948 — before the UAW had any pension plan in any major industry.

We have not laid off a single permanent employee for as much as one day in 18 years. This includes the difficult period of conversion to war work and reconversion to peace-time production.

A Harvest of Dues

The UAW-CIO did not come to Kohler with the high purpose of protecting down-trodden working-men. They came to a company where physical working conditions are exemplary, where real wages had been maintained and earnings were high, to a field which appeared ripe for a harvest of dues.

In a Labor Board election in 1952 the UAW won by a bare majority, displacing a local independent union.

When the UAW first won the bargaining rights, we hoped for a time that we would be able to get along better with the "professionals."

The first contract with the UAW was signed in February 1953. We granted the union 12 cents in wages and 6 cents in fringes — an economic package of 18 cents per hour.

The union's regional director stated publicly that this contract contained the most sweeping improvements of any first contract he had ever helped to negotiate.

Three months from the signing of the first contract the union was back demanding a 14 cents an hour wage increase. Their justification of this demand is interesting. They had asked for 26 cents in the first contract. They settled for 12 cents. So they said we still owed them 14 cents.

Meet Their Demands — Or Else

The fact is you can never settle with this union except on their terms. You meet their demands exactly, or else.

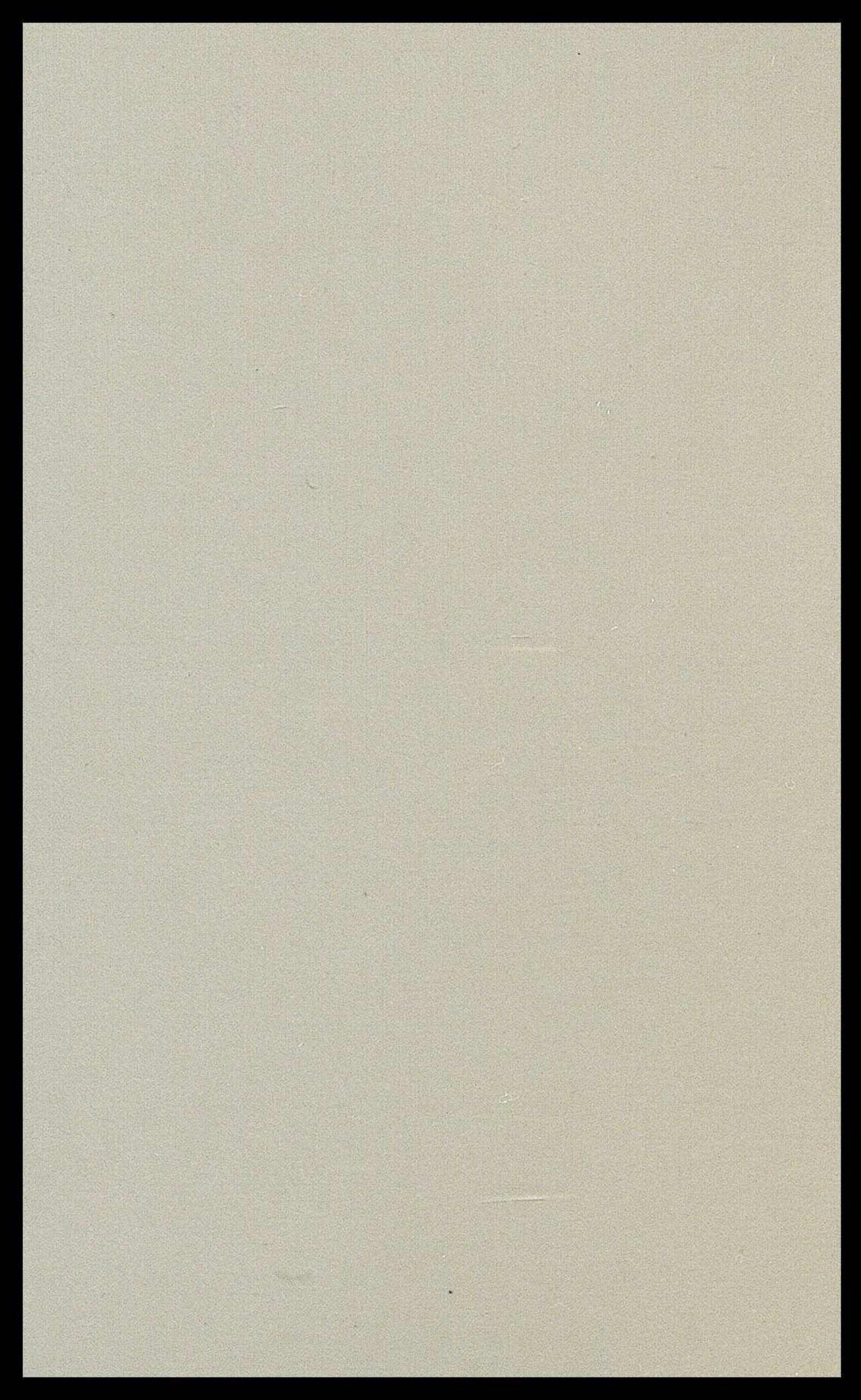
When the contract came up for renewal the union found itself in trouble.

They gained bargaining rights by a margin of less than four per cent.

Despite a frantic drive to hold and gain members, the UAW-CIO was losing membership. Something drastic had to be done. The union

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had to exact compulsory unionism or obtain extravagant economic concessions to hold its membership.

Their wage demand in negotiating a second contract was 20 cents per hour plus 10 cents per hour for so-called "skilled workers". The union had said many times since then that wages were not a principal issue in the strike.

Demand For Compulsory Unionism

The principal demand was for some form of "union shop"—i.e., compulsory unionism.

It is our belief that the company has no more right to force an employee to join a union to get or hold a job than it has to prohibit his joining a union.

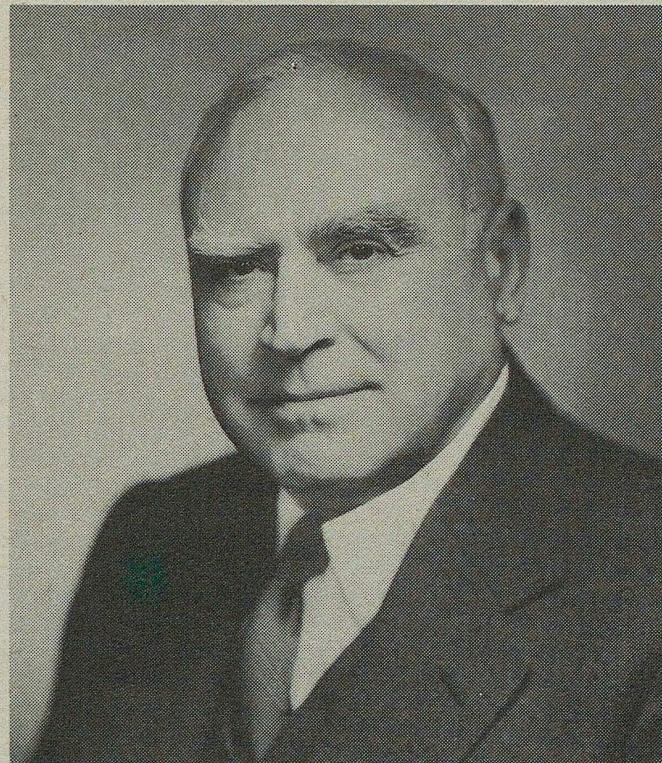
Kohler Co. is opposed to any form of compulsory unionism.

The widespread public support of our position in this respect has caused the union to drop this demand temporarily.

But, and make no mistake about it, this issue is never abandoned. The UAW-CIO is as violently opposed as ever to "right-to-work laws".

The union's demands for increased power included:

- No shop rules to be established except with the union's agreement.
- Work schedules to be fixed by agreement with the union, with no increase or reduction of hours except with the union's approval.
- The union to have control of



Herbert V. Kohler

what work should be done by the company and what work should be sub-contracted.

- Automatic wage progression with elimination of merit increases in "non-incentive" day-work pay.
- Super-seniority for union officials and shop stewards.
- Strict seniority with no regard to competence and reliability in promotion to better jobs—in transfers, in layoffs and recalls.
- Arbitration of practically everything except wages.

It is a mistake to assume that because a union makes certain demands that all of its members favor those demands, that everyone who joins the union does so voluntarily.

Coercion of the individual to join is not limited to a strike period. There may be refusal to help the

new employee "learn the ropes" unless he joins — there is the "cold shoulder" treatment—accidents may occur to the non-union man's work to make it look faulty. Such techniques are effective.

The threat of the union shop is used. "When we have a union shop

UAW-CIO goon-controlled mob uses force — punching, kicking, kneeing — to stop loyal non-striking employees from going to work.

you'll be out of luck" — (and my language is restrained).

Many of our employees who tried to come to work through the massed picket line at one time had yielded to the pressures and joined the union.

In negotiating for a second con-



tract the company offered a wage increase, which, with increases already granted, made a total of 18 cents plus 6 cents per hour in fringes, in one year.

The company also offered to make the minimum benefit under the Kohler Pension Plan equal to the maximum benefit under the UAW-CIO plan for equivalent length of service. In 95 per cent of cases, benefits under the Kohler fully-funded plan already considerably exceeded those under the UAW non-funded plan.

UAW-CIO Strikes

A strike vote was taken March 14, 1954.

The union boasted that there would be no production — no one would go through the picket lines.

Monday morning, April 5, 1954, the strike began. Mass picket lines, including many strangers, blockaded the plant gates from the first hour. In the forefront were the professional strikers dispatched from Detroit.

No one could go through the picket lines to his job.

There has not been one day since then when any one who wanted to work at Kohler could do so without fear of violence to his person, his family, or his property.

We kept the gates open — but the mass picketing prevented traffic into and out of the plant for 54 days.

The Wisconsin Employment Relations Board found the union guilty of illegal picketing and di-

rected the union to "cease and desist" from its illegal activities.

The union continued to mass pickets at the gates, and three days later staged a serious riot.

The WERB filed a petition in Circuit Court for an injunction to enforce its order. The union then announced it would comply.

On June 1, 1954, the picket lines were reduced.

As soon as the lines were open, men and women came streaming in — all unsolicited.

Picketing of Homes

Then began the picketing of homes of non-strikers. Mobs of hundreds of strikers and sympathizers, howling and hooting, threatened non-striking employees and their families. This was finally stopped by an injunction.

There have been more than 800 incidents of violence and vandalism away from the picket lines. These included gunshot blasts into homes, dynamiting of automobiles and buildings, paint bombings, window smashing, tire slashings, the throwing of acid onto automobiles and inside houses.

Even animals were not immune; dairy cows were slashed with razor blades, and pigs were poisoned.

Personal Outrages

There have been flagrant, personal outrages.

Two non-strikers, Willard Van Ouwerkerk and William Bersch, were the victims of especially

vicious assaults by the UAW representatives imported from Detroit.

For assaulting Van Ouwerkerk, stamping on him and puncturing his lungs, one William Vinson, UAW "morale builder", was sentenced to one to two years in Wisconsin State Prison.

William Bersch never did regain his health, and died last October. John Gunaca, UAW-CIO representative wanted for assaulting William Bersch, and breaking his neck, is a fugitive from justice. Michigan's Governor Williams has refused to extradite him to Wisconsin.

Official Policy of Union

Make no mistake about it. This flagrant misconduct is not due to over-exuberance of the pickets as the union claims. This is an official policy of the union.

Let me quote from page 17 of a booklet (held up to view) the UAW has issued on the strike:

"America could have no finer example of the inequities of the anti-labor injunction and the Taft-Hartley law. The law enables the Company to recruit scabs to steal the jobs of men and women on strike. The law prevents the men and women on strike from keeping the scabs out of the plant."

That is their official position.

They claim the right to say who may work for a living and who may not.

They claim the right to say when an employer may operate his plant.

Brazenly they claim the right to

use force and violence to "keep the scabs out of the plant".

And any law which prevents them from doing so is branded by them "immoral and anti-labor".

Riot Condoned By Public Officials

You may recall that last summer the union engineered a one-day riot at a Sheboygan, Wisconsin, dock on Lake Michigan to stop the unloading of English clays (used in our pottery) from a Norwegian ship. Non-striking employees were attacked. Unloading equipment was damaged.

Union - elected public officials stood idly by.

The rioters were not and still have not been prosecuted or even arrested.

Haled into Federal Court by the ship owners and the clay owners, the UAW's general counsel from Detroit had no defense, but stipulated that the union would not do again — what its leaders denied it had done before — and consented to the entry of an injunction.

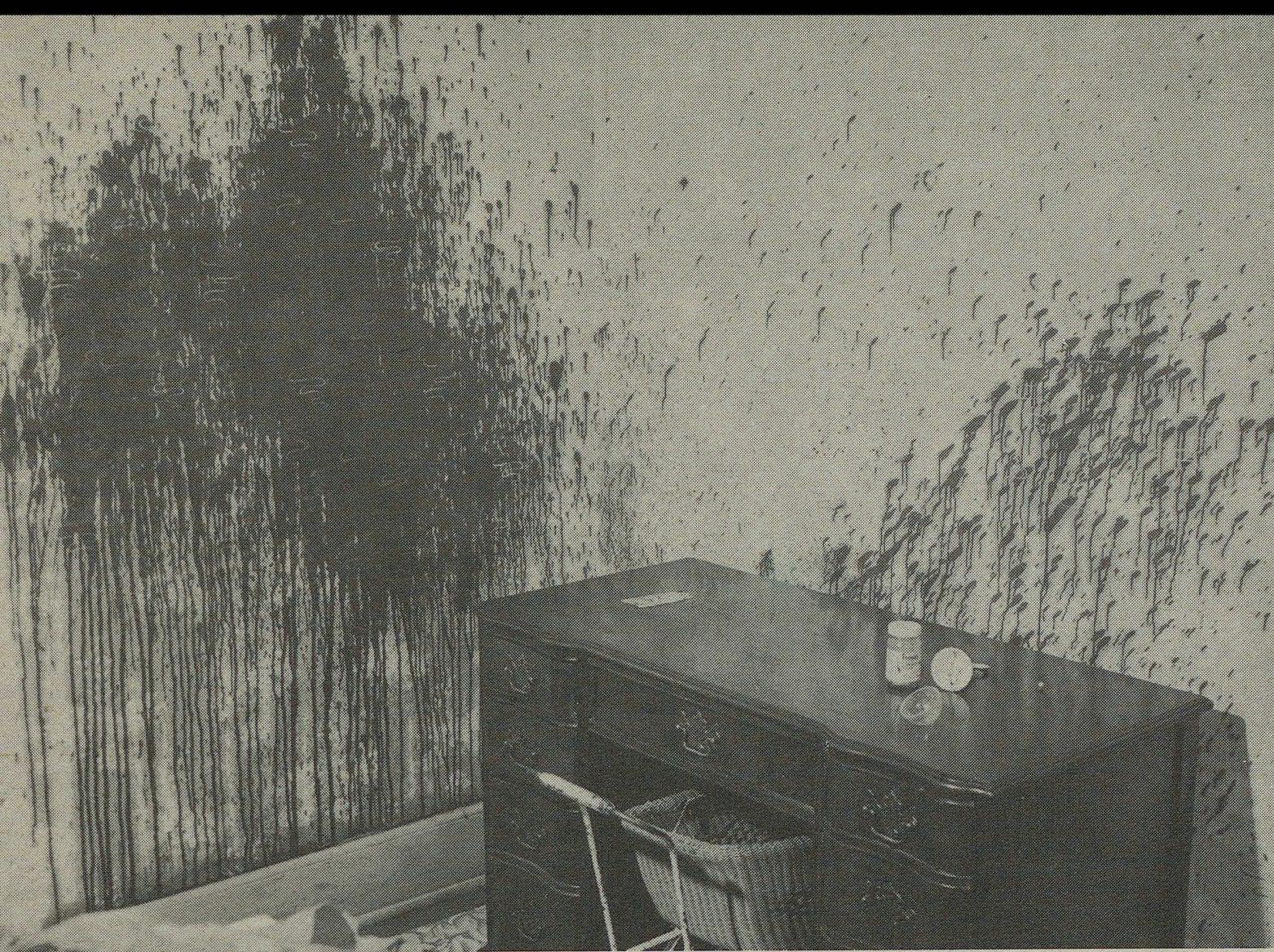
Issue Facing American Public

Are unions entitled to engage in violent, coercive and illegal conduct to enforce their demands?

This is the issue we have been facing at Kohler the past two years.

That is the issue that faces the American public.

If we have added anything new to the solution of that issue it is this:



When four window-smashing attacks fail to keep him from his job, veteran Kohler Co. employee gets paint bomb treatment. Nevertheless he reports for work next morning, his 33 years of service uninterrupted by the campaign of lawlessness.

From the beginning we have refused to carry on contract negotiations while the union was engaging in mass picketing and other open and flagrant illegal conduct.

We took the position that we would not bargain under the duress of illegal coercion.

We have nothing to offer as the price of the union's living up to the law.

Political Coercion

We have had to withstand many pressures.

Many captives of the union's po-

litical power have sought to abuse their official position to pressure us and aid the union.

There was the judge whose sole connection with the case was to decide whether or not he had jurisdiction to enjoin the Wisconsin Board from outlawing illegal picketing. Instead, he called us into chambers and laid down a formula for the settlement of the strike.

We told him that his proposal amounted to nothing more than the purchase of law obedience from the union.

We have had a governor, United

States senators, and a mayor try to force us into changing our position.

The Secretary of Labor of the United States brought pressure onto the Army to cancel our Government contract.

Law enforcement officers have thought it politically expedient to put pressure on the company to yield rather than to do their duty and enforce the law.

To all this we have had one reply. So long as illegal conduct is rewarded by favorable settlements—so long will unions continue it.

Abuse of Legal Means

Now we are experiencing another form of coercion by abuse of legal means.

The National Labor Relations Board brought a case against us on complaint of the union.

We were charged with refusal to bargain in good faith. The prosecuting branch of the NLRB still adheres to the union's definition that to bargain in good faith means that you must give the union whatever it wants. The Taft-Hartley Act says the contrary, in unmistakable language.

At first their major reliance was on the fact that we refused to bargain while our plant was shut down by an illegal blockade. They have now dropped this claim and concede that we were not required to bargain under the duress of illegal coercion by the union.

Another charge is that we discharged 90 of those guilty of the most flagrant illegal conduct and

that we included union officers who had openly promoted and directed the illegal blockade of our plant.

As to 12 of those discharges the NLRB agreed with us, and, after 106 days of hearing, they have now announced that they agree with us on six more.

But their attorneys do not agree with us on the union officers. They say it's all right to discharge the man who hit someone, but you can't fire the union official who told him to do it.

These union officers were found guilty of illegal conduct by the Wisconsin Employment Relations Board. The Wisconsin Supreme Court found that there was "credible and competent evidence in abundance" to sustain that finding.

We are going to find out if the law protects union officers in openly sponsoring and directing illegal conduct.

And we're going to get a determination of that question by an authority higher than the NLRB if necessary.

In the very beginning the attorneys for the NLRB offered to drop the case if we would settle the strike on terms satisfactory to the union.

They have dragged and prolonged the case by frequent amendments—stalling and other tactics—to where it is plainly evident that its only purpose was to cause the company harassment and expense and pressure us into a settlement with the union.

And as taxpayers you are paying the bill.

Government Provides Attorneys For Unions

The cost to the taxpayers must run into hundreds of thousands of dollars.

The cost of one copy of the transcript of the 106 days of proceedings is seventeen thousand dollars. There is the cost of the government attorneys, the large staff of "investigators" who spent weeks on the case, the trial examiner, the numerous witnesses subpoenaed at government expense, and there are many other costs.

If unions want to bring lawsuits against employers, why should they not hire and pay for their own attorneys? *(Applause)*

They spend millions on political propaganda and on publicity, and they build lavish office buildings in the nation's capital.

Why should they be provided with government attorneys at the taxpayers' expense?

Public Resents Economic Coercion

Now another form of coercion is being tried—a boycott of Kohler products.

We find that the people who resent dictation on how to spend their own money appear to be much more numerous than those who will yield to union pressure. *(Applause)*

Greatest Power of Coercion

The greatest power of coercion is latent in the government. Through its "political action" program, the

union seeks to take over this power and use it to its own ends.

It is no secret that the unions want to amend the Taft-Hartley Act to take away the employer's right of free speech—to use the power of government to coerce men into joining unions—to make bargaining in good faith mean giving the union everything it wants.

The length of the strike has given rise to a new issue.

The union demands that we lay off the employees who have been hired during the strike and give all the strikers their jobs back. They especially demand that we take back the 90 we discharged for illegal conduct including the 18 whom the NLRB now concedes were properly discharged.

This we have refused to do. We have hired no strike-breakers. The new people have been hired as permanent employees and were so advised. We refuse to break our word to them.

The Right to Work

In this dispute the UAW has claimed Kohler Co. had no right to operate—that its employees satisfied with wages and working conditions had no right to work.

This union dictate has been and is being defied by Kohler Co. and by men and women of courage who believe in their individual freedoms and their right to work. *(Applause)*

The company operated on a profitable basis in 1954 and in



The unprotected home of a Kohler Co. employee was paint bombed under cover of darkness after a fake phone call revealed he was at work on a second shift. The bombers narrowly missed his wife who was standing near the sewing machine.

1955, with improvement in sales month by month. *(Applause)*

Production losses are down.

Production per man hour is up.

Total production is increasing daily.

Quality has never been better.

The new people are of a good type and friendly. *(Applause)*

Responsibility For Consequences

In closing may I give you a summary of our basic position as it ap-

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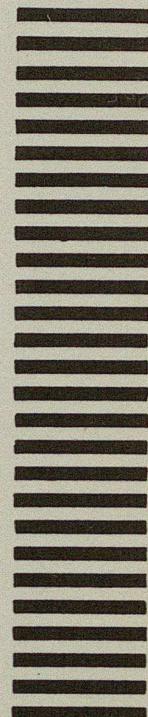
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pears in the preface to the April 1955 issue of the *Kohler News*:

"Unions have been vested with great power by law, which lends aid to their organization and to their bargaining. Union leaders who exercise this power recklessly and improvidently cannot disavow responsibility for the consequences.

"We take exception to union abuses, not to unions per se. The practices of some unions, briefly here stated, we believe threaten industry, the economy, and our country.

"DISCOUNTING THE INDIVIDUAL — The dignity and worth of the individual American workman is theoretically stressed by unions. The theory is valid — the practice is often exactly the opposite.

"Strict seniority without regard to individual merit — equal pay for unequal work — these and similar bargaining demands of union leaders treat the workmen en masse, not as individuals.

"COMPULSORY UNIONISM — Neither the union nor the employer can justifiably usurp the individual employee's right to judge for himself the worth of a union's services to him.

"INFLATION — Demands for 'gains' not justified by increase in production only promote inflation. To increase wages before an increase in production occurs does not benefit the workman whose 'gains' are wiped out by price increases. Industry must not be burned out by the forced draft of inflation.

"JOINT MANAGEMENT — Union demands for joint management, or at least a veto power over the decision of management, if granted would destroy responsibility and make the economy sterile. The law calls for collective bargaining — not for joint management, something entirely different.

"'PATTERN' SETTLEMENTS — The strength of American industry is in its diversification. There is no more reason for regimentation in industrial relations than in manufacturing techniques or in any other industrial practice.

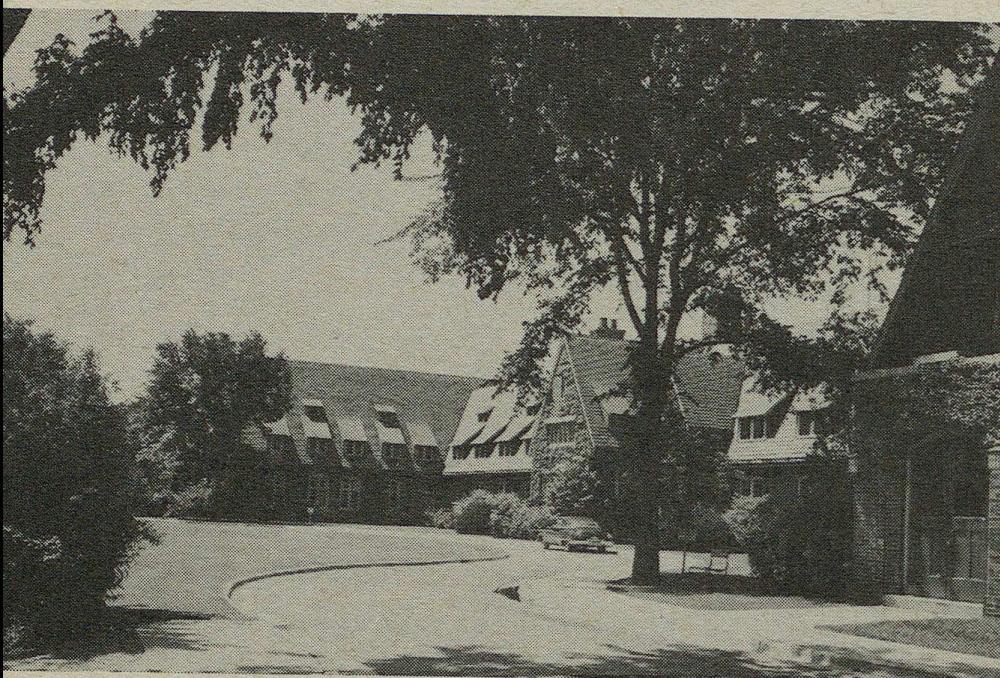
"COERCION AND VIOLENCE — Goon squads, mass picket lines, physical assaults, destruction of property, attacks on workmen's homes and intimidation of their families are the acts of gangsters and hoodlums — not of the American workman. *(Applause)*

"THE CLASS STRUGGLE — The promotion of class hatred and class warfare aids only those who would supplant our economy with a socialist economy. Union leaders who convince the workman that his employer is his natural enemy — that his interests call for 'militancy' and constant conflict — serve only the Marxian doctrine.

"These are typical UAW-CIO abuses. All unions do not indulge in these practices to an equal degree, if at all. But their prevalence calls for serious consideration by every citizen, union member or not, as to where these practices will lead us."

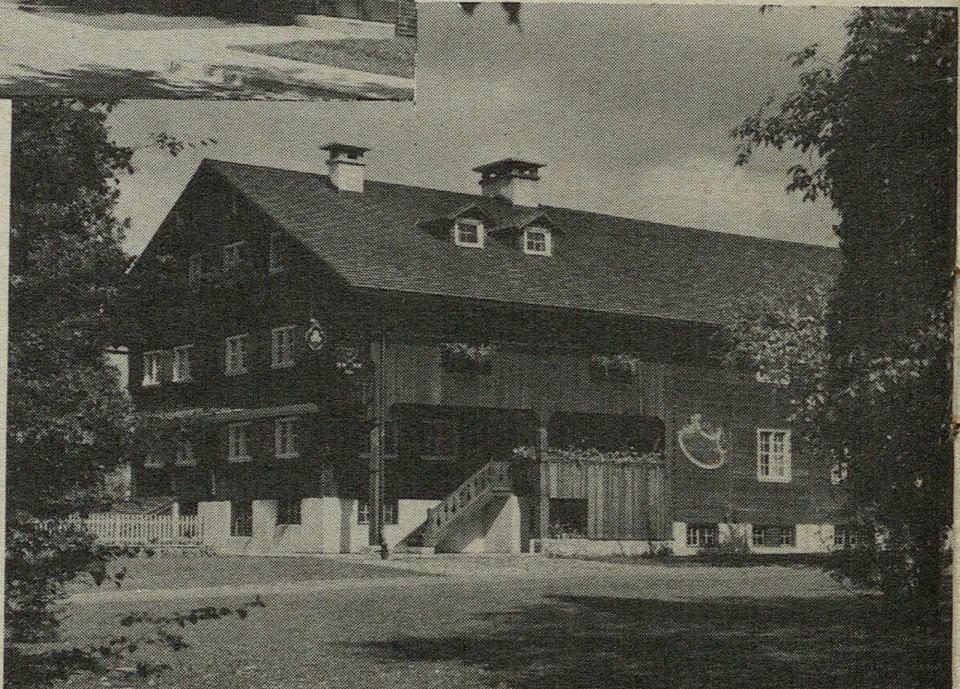


Residents of Kohler Village own their homes and the land on which they stand. Vigilance of police and the residents kept vandals out of the village.



The American Club provides a home for single men and women. In addition to living quarters and dining facilities, it has bowling alleys, lounges, and the Wisconsin room, used for special functions.

The Waelderhaus, resembling the Alpine boyhood home of John Michael Kohler, founder of Kohler Co., was erected in his memory by his daughter, Marie Christine. It serves the Girls Scouts and is a meeting place for the Kohler Woman's Club.



CREDO OF FREEDOM CLUB

WE BELIEVE . . .

In Freedom Under God — that man has certain inalienable rights and that among these are life, liberty, and the pursuit of happiness.

In the dignity and importance of man — that the State should be the servant, not the master, of its individual citizens.

In the American principle that whenever any form of government becomes destructive of individual liberty, it is the right of the people to alter it.

In the Bill of Rights and the freedoms it guarantees under the Constitution of the United States of America.

In the economic principle of free enterprise and the ownership of private property.

We endeavor to pass the heritage of this Freedom to our children.

THE FREEDOM CLUB of the First Congregational Church of Los Angeles is dedicated to the "Crusade for Freedom Under God".

Speakers discuss current national and international problems pointing out how our freedoms are in peril.

Under the leadership of Dr. James W. Fifield, Jr., distinguished pastor, the Freedom Club has adopted this Credo.

